

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

EBEN ALEXANDER, III, M.D. )  
                               )  
                               )  
v.                           ) C.A. No. 04-10738-MLW  
                               )  
                               )  
BRIGHAM AND WOMEN'S PHYSICIANS )  
ORGANIZATION, INC., et al.   )

ORDER

WOLF, D.J.

January 26, 2006

For the reasons described in court on January 25, 2006, it is hereby ORDERED that:

1. Counsel shall consult the parties and, by February 3, 2006, state whether the parties believe that, in view of my association with Dr. Lawrence Cohn, my recusal is required by 28 U.S.C. §455(a) and, in any event, whether they wish to waive this possible ground for recusal pursuant to 28 U.S.C. §455(e).

2. The parties' cross-motions for summary judgment (Docket Nos. 31 and 39) are DENIED.

3. The parties shall, by January 27, 2006, confer and submit a proposed schedule including:

- a) a deadline for completing discovery.
- b) a deadline to attempt to settle the case and report to the court: (1) whether the case is settled; (2) what witnesses they intend to call at trial; (3) how long trial will take; and (4) any additional stipulations of fact.

- c) a date for a pretrial conference.
- d) a date for trial no later than early June 2006.

/s/ MARK L. WOLF  
UNITED STATES DISTRICT JUDGE